Hovsepian v. Apple, Inc.
Doc. 298 Att. 3

EXHIBIT M

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PATENT
Attorney Docket No. 02473.0001-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of	)	
Paul Yurt, et al.	)	
Serial No. 07/637,562	)	Group Art Unit: 262
Filed: January 7, 1991	)	Examiner: R. Smith
For: AUDIO AND VIDEO TRANSMISSION AND RECEIVING SYSTEM	)	

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Hon. Commissioner of Patents
and Trademarks
Washington, DC 20231

Sir:

AMENDMENT

In response to the Office Action dated August 29, 1991, the period of response to which extends through November 29, 1991, please amend the above captioned application as follows.

IN THE SPECIFICATION:

Page 9, line 9, change "systema" to --systems--.

Page 11, line 3, change "is" to --as--;

line 7, change "send a movie" and insert --have a movie sent--; and

line 14, after "items" insert --for--.

Page 13, line 25, change "communicated" to --communicate--.

Page 14, line 15, change "the any of" to --any of the--.

Page 16, line 14, after "such" insert --as in--; and

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line 20, after "notes" insert --which--.

Page 17, line 5, after "information" insert --is--.

Page 21, line 8, after "application" insert --of--.

Page 23, line 25, change "122" to --112--.

Page 31, line 16, change "source material library 111" to --compressed data library 118--.

Page 32, line 6, change "of" to --for--.

Page 34, line 15, change "stored" to --processed--.

Page 35, line 4, change "receivingsystem" to --receiving system--.

Page 36, line 12, after "ISDN" insert --channel--; and line 17, after "DBS" insert --,-- (comma).

Page 43, line 3, delete "may be" (SECOND OCCURRENCE).

IN THE CLAIMS:

Please amend claims 1-8, 10, 11, 13, 18, 19, 22, 26, 27, and 29-31 as follows.

1. (Amended) A transmission system for providing information to remote locations, the transmission system comprising:

library means for storing items containing information;

identification encoding means for retrieving the information [for] in the items from the library means and for assigning a unique identification code to the retrieved information;

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conversion means, coupled to the identification encoding means, for placing the retrieved information into a predetermined format as formatted data;

ordering means, coupled to the conversion means, for placing the formatted data into a sequence of addressable data blocks;

compression means, coupled to the ordering means, for compressing the formatted and sequenced data blocks;

compressed data storing means, coupled to the data compression means, for storing as a file the compressed, sequenced data blocks received from the data compression means with the unique identification code assigned by the identification encoding means; and

transmitter means, coupled to the compressed data storing means, for sending at least a portion of a file to one of the remote locations.

2. (Amended) A transmission system as recited in claim 1, wherein the transmitter means includes:

transmission format means for placing the [composite formatted] compressed, sequenced data [block] blocks onto a communication path.

3. (Amended) A transmission system as recited in claim 1, wherein the information in the items includes analog signals, and wherein the conversion means further comprises:

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converting means, coupled to the identification encoding means, for A/D converting the analog [data] signals of the [retrieved] information into a series of digital data bytes; and

formatting means, coupled to the converting means, for converting the series of digital data bytes into formatted data with a predetermined format.

4. (Amended) A transmission system as recited in claim 1, wherein the information in the items includes digital signals, and wherein the conversion means further comprises:

digital input receiver means, coupled to the identification encoding means, for converting the digital [data] signals of the [retrieved] information into predetermined voltage levels; and

formatting means, coupled to the digital input receiver means, for converting the predetermined voltage levels into formatted data with a predetermined format.

5. (Amended) A transmission system as recited in claim 3, wherein the information in the items includes digital signals, and wherein the conversion means further comprises:

digital input receiver means, coupled to the identification encoding means, for converting the digital

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[data] signals of the [retrieved] information into predetermined voltage levels; and

voltage levels adjusting ~~formatting~~ means, coupled to the digital input receiver means, for converting the predetermined voltage levels into formatted data with the predetermined format.

6. (Amended) A transmission system as recited in claim 2, wherein the compressed data storing means further comprises:

compressed data library means for separately storing [composite formatted] a plurality of files, each including at least one compressed, sequenced data [blocks for each of the files converted and stored] block.

Claim 7, line 4, delete "visual".

Claim 8, line 4, after "data" insert --blocks--.

Claim 10, line 1, change "and" to --or--.

Claim 11, line 1, change "and" to --or--.

Claim 13, line 3, delete "repeating".

18. (Amended) A distribution method responsive to requests identifying items containing information to be sent from a transmission system to remote locations, the method comprising the steps of:

storing [audio and video] information from items in a compressed data form, in which the information includes an identification code and is placed into ordered data blocks;

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requesting transmission, by a user, of at least a part of the stored [compressed data] information to a remote location selected by the user;

sending at least a portion of the stored [compressed] information to the remote location;

receiving the sent information at the remote location;

buffering the received information at the remote location; and

playing back the buffered information [in real time] at a time requested by the user.

B2

19. (Twice Amended) The distribution method as recited in claim 18, wherein the information in the items includes analog and digital signals, and wherein the step of storing [further] comprises the steps of:

converting the analog signals of the information to digital components;

formatting the digital [data] signals of the information;

ordering the converted analog [data] signals and the formatted digital [data] signals [in] into a [predetermined] sequence of addressable data blocks and;

compressing the ordered information.

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22. (Twice Amended) A receiving system responsive to a user input identifying a choice of an item stored in a source material library to be played back to [the subscriber] a user

B3

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at a location remote from the source material library, the item containing information to be sent from a transmitter to the receiving system, the receiving system comprising:

requesting means, for transmitting to the source material library the identity of the item;

transceiver means, coupled to the requesting means, for [automatically] receiving the [information] item from the transmitter as at least one compressed, formatted data [blocks] block;

receiver format conversion means, coupled to the transceiver means, for converting the at least one compressed, formatted data [blocks] block into a format suitable for storage [and] processing, and for playback in real time;

storage means, coupled to the receiver format conversion means, for storing the [compressed] formatted data;

decompressing means, coupled to the receiver format conversion means, for decompressing the [compressed] formatted data; and

output data conversion means, coupled to the decompressing means, for playing back the decompressed data [in real time] at a time specified by the user.

26. (Amended) A receiving system as recited in claim 22, wherein the formatted data includes video information, and wherein the [decompression] decompressing means further comprises:

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video signal [decompression] decompressing means for decompressing the video information contained in the [compressed] formatted [information] data.

30 ~~27~~. (Amended) A receiving system as recited in claim 29 ~~26~~, wherein the output data conversion means further comprises:

digital video output means, connected to the video signal [decompression] decompressing means, for outputting a digital video signal [contained in the video information]; and

analog video output means, connected to the video signal [decompression] decompressing means, for outputting an analog video signal [contained in the video information].

B4

32 ~~29~~. (Amended) A receiving system as recited in claim 25 ~~22~~, wherein the formatted data includes audio information, and wherein the [decompression] decompressing means further comprises:

audio signal [decompression] decompressing means for decompressing the audio information contained in the [compressed] formatted [information] data.

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33 ~~30~~. (Amended) A receiving system as recited in claim 32 ~~29~~, wherein the output data conversion means further comprises:

digital audio output means, connected to the audio signal [decompression] decompressing means, for outputting a

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digital audio signal [contained in the audio information]; and

analog audio output means, connected to the audio signal [decompression] decompressing means, for outputting an analog audio signal [contained in the audio information].

B5

34 ~~31~~. (Amended) A receiving system as recited in claim 25 ~~22~~, wherein the formatted data includes audio and video information, and wherein the [decompression] decompressing means further comprises:

video signal [decompression] decompressing means for decompressing the video information contained in the [compressed] formatted [information] data; and

audio signal [decompression] decompressing means for decompressing the audio information contained in the [compressed] formatted [information] data.

Please add the following new claims 33-58:

8 ~~33~~. A transmission system as recited in claim 1, wherein the information in the items includes digital signals, and wherein the conversion means further comprises formatting means for converting the digital signals of the information into formatted data with a predetermined format.

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34. The distribution method as recited in claim 18, wherein the step of buffering includes the step of buffering

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~~the received information at the head end of a cable television reception system.~~

~~35. The distribution method as recited in claim 18, wherein the step of buffering includes the step of buffering the received information in an intermediate storage device.~~

36. A receiving system as recited in claim ~~22~~ 25, wherein the source material library is a compressed data library.

37. A receiving system as recited in claim ~~26~~ 29, wherein the output data conversion means further comprises digital video output means, connected to the video signal decompressing means, for outputting a digital video signal.

38. A receiving system as recited in claim ~~26~~ 29, wherein the output data conversion means further comprises analog video output means, connected to the video signal decompressing means, for outputting an analog video signal.

39. A receiving system as recited in claim ~~29~~ 32, wherein the output data conversion means further comprises digital audio output means, connected to the audio signal decompressing means, for outputting a digital audio signal.

40. A receiving system as recited in claim ~~29~~ 32, wherein the output data conversion means further comprises analog

audio output means, connected to the audio signal decompressing means, for outputting an analog audio signal.

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41. A method of transmitting information to remote locations, the transmission method comprising the steps of:

storing items having information in a source material library;

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retrieving the information in the items from the source material library;

assigning a unique identification code to the retrieved information;

placing the retrieved information into a predetermined format as formatted data;

placing the formatted data into a sequence of addressable data blocks;

compressing the formatted and sequenced data blocks;

storing, as a file, the compressed, formatted, and sequenced data blocks with the assigned unique identification code; and

sending at least a portion of the file to one of the remote locations.

42. A transmission method as recited in claim 41, wherein the step of placing further includes the steps of:

A/D converting analog signals of the retrieved information into a series of digital data bytes; and

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converting the series of digital data bytes into formatted data with a predetermined format.

43. A transmission method as recited in claim 41, wherein the step of placing further includes the steps of:

converting digital signals of the retrieved information into predetermined voltage levels; and

converting the predetermined voltage levels into formatted data with a predetermined format.

44. A transmission method as recited in claim 41, wherein the step of placing further includes the step of converting digital signals of the retrieved information into formatted data with a predetermined format.

45. A transmission method as recited in claim 41, wherein the ~~compressed data~~ storing step ~~means~~ further comprises the step of:

separately storing a plurality of files, each including compressed, sequenced data blocks.

46. A transmission method as recited in claim 45, further comprising the steps of:

generating a listing of available items;

receiving transmission requests to transmit available items; and

retrieving stored formatted data blocks corresponding to requests from users.

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36

47. A distribution system which is responsive to requests identifying items containing information to be sent from a transmission system to remote locations, the distribution system comprising:

storage means for storing information from the items in a compressed data form, in which the information includes an identification code and is placed into ordered data blocks;

requesting means, coupled to the storage means, for requesting transmission, by a user, of at least a part of the stored information to a remote location selected by the user;

transmission means, coupled to the requesting means, for sending at least a portion of the stored information to the selected remote location;

receiving means, coupled to the transmission means, for receiving the transmitted information at the selected remote location;

buffering means, coupled to the receiving means, for buffering the received information at the selected remote location; and

playback means, coupled to the buffer means, for playing back the buffered information at the selected remote location at a time requested by the user.

48. A distribution ~~method~~ system as recited in claim 47, wherein the information in the items includes analog and

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digital signals, and wherein the storage means further comprises:

conversion means, for converting the analog signals of the information to digital components;

formatting means, coupled to the conversion means, for formatting the digital signals of the information;

ordering means, coupled to the formatting means, for ordering the converted analog signals and the formatted digital signals into a sequence of addressable data blocks and;

compression means, coupled to the ordering means, for compressing the ordered information.

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49. A distribution method as recited in claim 47, wherein the buffering means receives information at the head end of a cable television reception system.

50. A distribution method as recited in claim 47, wherein the head end of the cable television reception system decompresses and distributes decompressed signals.

51. A distribution method as recited in claim 47, wherein the head end of the cable television reception system distributes compressed signals.

52. A distribution method as recited in claim 47, wherein the head end of the cable television reception system

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decompresses and distributes decompressed signals and distributes compressed signals.

53. A distribution system ~~method~~ as recited in claim 47, wherein the memory ~~buffering~~ means is an intermediate storage device.

54. A method of receiving information which is responsive to a user input identifying a choice of an item stored in a source material library to be played back to the user at a location remote from the source material library, the item containing information to be sent from a transmitter to a receiver, the receiving method comprising the steps of:

transmitting to the source material library the identity of an item;

receiving the item from the transmitter as at least one compressed formatted data block;

converting the at least one compressed formatted data block into a format suitable for storage processing and for playback in real time;

storing the converted information;

decompressing the stored information; and

playing back the decompressed information at a time specified by the user.

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55. A receiving method, as recited in claim 54, wherein the decompressing step further includes the step of

decompressing video information contained in the stored information.

56. A receiving method as recited in claim 54, wherein the decompressing step further includes the step of decompressing audio information contained in the stored information.

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57. A receiving method as recited in claim 54, wherein the decompressing step further includes the steps of:

decompressing video information contained in the stored information; and

decompressing audio information contained in the stored information.

58. A receiving method as recited in claim 54, wherein the step of transmitting further includes the step of transmitting to a compressed data library the identity of an item.--

REMARKS

In the Office Action dated August 29, 1991, the Examiner objects to claims 10 and 11 under 37 C.F.R. § 1.75(c) as being in improper form; rejects claims 1-6, 8, 9, 12-17, 22-27, and 29-32 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 4,963,995 issued to Lang; rejects claims 7 and 18-21 under 35 U.S.C. § 103 as being unpatentable over

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Lang in view of U.S. Patent No. 4,947,244 issued to Fenwick et al.; and objects to claim 28 as being dependent upon a rejected base claim.

On behalf of the Applicants, the undersigned thanks the Examiner for the courtesy extended during the personal interview conducted on September 25, 1991. In response to the outstanding Office Action, and in light of the discussion during the interview with the Examiner, Applicants have made the following specification and claim amendments and offer the comments set forth below.

Specifically, Applicants have amended the specification to correct several minor errors and have amended claims 10 and 11 in the manner suggested by the Examiner. Particularly, Applicants amended page 31, line 16 of the specification is order to make it consistent with page 29, lines 8-11 of the specification. Applicants have also amended claims 1-8, 13, 18, 19, 22, 26, 27, 29, 30, and 31, to define the present invention more appropriately and have added claims 33-40, which depend variously from independent claims 1, 18, and 22, for aspects of the disclosed invention for which the original claims did not specifically provide.

Applicants also have added independent claims 41, 47, and 54 which correspond generally with independent claims 1, 18, and 22, in order to obtain full apparatus and method coverage consistent with coverage provided by the original claims. Dependent claims 42, 43, 45, 46, and 55-57, respectively, correspond generally to claims 3, 4, 6, 7, 19,

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26, 29, and 31. Dependent claims 44, 49, 53, and 58, respectively, correspond generally to new dependent claims 33, 34, 35, and 36. Applicants have also added dependent claims 50-52 to further define the distribution system recited in new independent claim 40.

Claims 1-58 are pending in the patent application. The following remarks address the Examiner's objections and rejections in the order presented in the outstanding Office Action.

In paragraph 2 of the Office Action the Examiner objects to claims 10 and 11 as being in improper from. In response, Applicants have amended each of claims 10 and 11 to recite the dependency as "one of claims 1 or 9." Applicants therefore request reconsideration and withdrawal of this objection and examination of these claims.

In paragraph 4 of the Office Action, the Examiner rejects claims 1-6, 8, 9, 12-17, 22-27, and 29-32 under 35 U.S.C. § 102(e) as being anticipated by Lang. This position is respectfully traversed.

The Examiner characterizes Lang by stating that it "discloses a video/audio storage system which is capable of providing information to remote locations." Particularly, the Examiner asserts that Lang includes library means as element 11. Applicants disagree.

Element 11 of Lang is not a library means as used in the present invention, but merely an audio video recording unit (AVRU) which "may be a video cassette recorder similar to a

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conventional VCR in which the storage media 23 is a magnetic tape." See col. 1, lines 38-40 of Lang. As claim 7 recites, the information in the stored items of the library means is later reformatted, converted, and compressed for storage in a compressed data storage means in the same format. Thus, a library means may have analog video tapes stored in their original formats, but the information in each tape will be converted into a predetermined format, ordered into data blocks, and compressed before being stored into compressed data storing means.

The AVRU 11 of Lang and the claimed library means are not analogous. AVRU 11 uses a standard video tape that is not a library means. Lang "envisions" a library at some time in the future. (See col. 7, line 67 through col. 8, line 2 of Lang), but such a library is clearly not AVRU 11. Moreover, Applicants submit that the incorporation of a library into the system in Lang is only envisioned because of a lack of knowledge of how to incorporate such a library. Applicants, however, have solved the problems left open in Lang.

Further regarding claim 1, the Examiner argues that col. 4, lines 28-31 of Lang discloses the recited identification encoding means. This cannot be because the functions of the identification encoding means are to retrieve of information from the source material library means and to assign a unique identification code to the retrieved information. The referenced section of Lang

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performs neither function. That section discloses that "the sync signals are decoded to isolate signals for each picture frame for processing." Such "isolation" is not retrieval of information or assigning of an identification code as called for in independent claim 1. At best it is a type of decoding wholly unrelated to any of the elements of claim 1.

The Examiner also asserts that col. 4, lines 41-54 of Lang shows the ordering means, also recited in independent claim 1. The ordering means places the formatted data into a sequence of addressable data blocks. The referenced section of Lang merely discusses dividing each frame into an array of pixels. Thus, the system in Lang does not place data into a sequence of addressable data blocks, or suggest such an operation.

In the Office Action, the Examiner did not explicitly address the claims dependent from claim 1 or point out where Lang discloses their limitations.

Many of those claims, however, have independent bases for patentability.

For example, Lang does not disclose the formatting means recited in claims 3, 4, and 5, or the compressed data library means recited in claim 6. Additionally, while Lang discloses compression (see col. 4, lines 63-65), Lang does not show the precompression processing means of claim 8. Finally, Lang does not disclose either the means for performing multi-dimensional analysis of claim 12, the means for identifying repeating patterns of claim 13, or the particulars of the

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multi-dimensional analysis means recited in each of claims 14-17.

Regarding amended independent claim 22, Lang does not disclose a receiver which is responsive to user requests from a source material library remote from the receiver. Particularly, Lang is not concerned with allowing users to access remote materials, but with improving the functionality of a conventional VCR. Moreover, while Lang discloses an operating mode in which a first VCR-ET transmits information to a second VCR-ET, in such a mode the second VCR-ET merely acts as a passive receiver, not as a device which transmits requests to a source material library. See col. 9, line 55 through col. 10, line 5 of Lang. There is no indication in Lang that the second VCR-ET requests information or in any way selects what information should be sent to it.

Finally, Lang does not teach or suggest a receiving system (i.e., a second VCR-ET) which receives information as compressed, formatted data blocks, as required in amended independent claim 22. In this sense, claim 22 is allowable for many of the same reasons as claim 1 is. The data received by the receiving system in claim 22 is in the format of the data transmitted by the transmission system of claim 1, and just as the formatting functions of claim 1 are not taught by the art, neither are the "deformatting" functions of claim 22.

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In view of the arguments set forth above, independent claims 1 and 22, and claims 2-6, 8, 9, 12-17, 23-27, and 29-32, which depend variously therefrom, are not anticipated by Lang. Applicants therefore respectfully request reconsideration and withdrawal of this rejection. Because there is also no objective teaching in Lang which would lead one of ordinary skill in the art to modify the structure disclosed in Lang to arrive at the elements of Applicants' claimed combination, Applicants submit that claims 1-6, 8, 9, 12-17, 22-27, and 29-32 are allowable over Lang.

In paragraph 5 of the Office Action, the Examiner rejects claims 7 and 18-21 under 35 U.S.C. § 103 as being unpatentable over Lang in view of U.S. Patent No. 4,947,244 issued to Fenwick et al. This position is also respectfully traversed.

In the rejection of independent claim 18, the Examiner correctly observes that Lang does not "provide any particulars" regarding "the requesting of the information at a remote location." See page 3, paragraph 3, lines 2-4 of the outstanding Office Action. The Examiner is apparently relying on Fenwick et al. for such a teaching. Fenwick et al., however, contains no such teaching because the requesting remote location of Fenwick et al. is not analogous to the remote location of the present invention.

Further, Fenwick et al. does not provide a system in which the requested information is buffered at the remote location, which is typically the receiving apparatus of the

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user, as required in independent claim 18. Rather, in Fenwick et al., the user's choice is sent to the system's central controller 116. The central controller 116 then enables the selected video source and sets up the crossbar switch 150 so that the selected video is switched onto the transmission cable and displayed. Thus in Fenwick et al., the user's selection is played immediately when chosen.

In contrast, claim 18 requires that the requested information is buffered at the remote location so that the requested information can be played back at any time. Applicants assert that Fenwick et al. may not be properly considered as including such buffering means because in Fenwick et al., each video cassette or video disk source is coupled to only one video monitor at a time. Further, Fenwick et al. uses screen buffers 270 only for non-copyrighted material and this buffer is located in the system controller, not at the remote location, as in the present invention. See col. 10, line 26 through col. 11, line 2 of Fenwick et al.

Fenwick et al. also does not disclose a system in which a user can select a remote location to which a selected item is sent. Rather in Fenwick et al., a selection can only be sent to the video monitor 102 from which the user issues commands. See col. 4, lines 21-24 of Fenwick et al.

Finally, in Fenwick et al., information is sent to a user from video sources 112. The video sources are video cassette players which hold videotapes. See col. 5, lines

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15-22 of Fenwick et al. The information from the video sources 112 is sent directly to video monitors 102. Because the information which is sent to video monitors is in the form of video tapes in Fenwick et al., this reference does not disclose storing information as data blocks with an identification code, as recited in amended independent claim 18.

Moreover, even if Fenwick et al. had such a teaching, there is no motivation to combine the teachings of Lang and Fenwick et al. Lang is directed to an improved VCR while Fenwick et al. is directed to a system which distributes selected video programs to a number of independently controlled video monitors. Accordingly, one of ordinary skill in the art of VCRs would not look to Fenwick et al. to address the problems of VCRs.

Therefore Applicants submit that independent claim 18 and claims 19-21, which depend therefrom, are allowable over Lang in view of Fenwick et al.

Regarding claim 7, Applicants assert that Fenwick et al. does not make up for the deficiencies noted above with respect to Lang. For example, Fenwick et al. does not teach or suggest either the identification encoding means or the ordering means recited in independent claim 1. Therefore, Applicants submit that claim 7, which depends from independent claim 1 is allowable over any reasonable combination of Lang and Fenwick et al.

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In view of the arguments presented above, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 7 and 18-21 under 35 U.S.C. § 103 over Lang in view of Fenwick et al.

By this Amendment, Applicants have added new claims 33-58. Claim 33 depends from independent claim 1 and further defines the conversion means. Claims 34 and 35 each depend from claim 18 and recite respectively aspects of Figs. 1d and 1f. Specifically, claim 34 sets forth that information may be buffered at the head end of a cable television reception system 200 and claim 35 recites that information is buffered at an intermediate storage device 200'.

Claim 36 depends from claim 22 and further defines the source material library of the reception system defined in claim 22. Specifically, claim 36 includes a recitation that a request may be made by a user from a compressed data library, as set forth at page 29, lines 8-11 of Applicants' specification.

Claims 37 and 38 also depend from claim 22 and separately recite the limitations of claim 27. Similarly, claims 39 and 40 depend from claim 22 and separately recite the limitations of claim 30.

New independent claim 41 claims a transmission method, claim 47 a distribution system, and claim 54 a receiving method. Claims 41, 47, and 54, respectively track independent claims 1, 18, and 22. Dependent claims 42, 43, 45, 46, 48, and 55-57, respectively, correspond generally to

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claims 3, 4, 6, 7, 19, 26, 29, and 31. Dependent claims 44, 49, 53, and 58, respectively, correspond generally to new dependent claims 33, 34, 35, and 36. New claims 50-52, which depend from new independent claim 47, further define the head end of the cable television system shown in Fig. 1f.

For the reasons set forth above with respect to claims 1, 18, and 22, independent claims 41, 47, and 54, and the claims which depend variously therefrom are allowable over Lang and over Lang in view of Fenwick et al.

In light of the remarks made above, Applicants respectfully request reconsideration and withdrawal of the objection under 37 C.F.R. § 1.75(c) and the rejections under 35 U.S.C. §§ 102(e) and 103, allowance of pending claims 1-58, and issuance of a Notice of Allowance in this case.

If any fees are due in connection with the filing of this Amendment, the Commissioner is hereby authorized to charge any such fees to our Deposit Account No. 06-916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER

By: Doris J. Johnson
Doris J. Johnson
Reg. No. 34,629

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Dated: September 30, 1991

EXHIBIT N

K. Wa
1/16/92
#11/Am

PATENT
02473-0001-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of)
PAUL YURT, ET AL.)
Serial No. 07/637,562) Group Art 260
Filed: January 7, 1991) Examiner: S. Chin
For: AUDIO AND VIDEO TRANSMISSION AND RECEIVING SYSTEM)

Hon. Commissioner of Patents
and Trademarks
Washington, DC 20231

Sir:

In response to the Office Action dated December 10, 1991, please enter the following amendments:

IN THE CLAIMS:

Amend claims 1, 11, 18-24, 34, 35, 41, 46, 47, and 49-54 as follows:

C1 Cont.

1. (Twice Amended) A transmission system for providing information to be transmitted to remote locations, the transmission system comprising:

library means for storing items containing information;

identification encoding means for retrieving the information in the items from the library means and for assigning a unique identification code to the retrieved information;

conversion means, coupled to the identification encoding means, for placing the retrieved information into a predetermined format as formatted data;

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ordering means, coupled to the conversion means, for placing the formatted data into a sequence of addressable data blocks;

compression means, coupled to the ordering means, for compressing the formatted and sequenced data blocks;

compressed data storing means, coupled to the data compression means, for storing as [a file] files the compressed, sequenced data blocks received from the data compression means with the unique identification code assigned by the identification encoding means; and

transmitter means, coupled to the compressed data storing means, for sending at least a portion of [a file] one of the files to one of the remote locations.

C1 Concld.

Claim 11, line 2, replace "partly" with --partially--.

19 ~~18~~. (Twice Amended) A distribution method responsive to requests from a user identifying items in a transmission system containing information to be sent from [a] the transmission system to receiving systems at remote locations, the method comprising the steps of:

storing, in the transmission system, information from items in a compressed data form, [in which] the information [includes] including an identification code and [is] being placed into ordered data blocks;

[requesting transmission] sending a request, by [a] the user to the transmission system, [of] for at least a part of the stored information to be transmitted to [a] the one of the receiving systems at one of the remote location selected by the user;

C2 Cont

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sending at least a portion of the stored information from the transmission system to the receiving system at the selected remote location;

receiving the sent information by the receiving system at the selected remote location;

[buffering] storing a complete copy of the received information in the receiving system at the selected remote location; and

playing back the [buffered] stored copy of the information using the receiving system at the selected remote location at a time requested by the user.

C2 Cont'd

~~19~~ 20. (Twice Amended) The distribution method as recited in claim ~~18~~ 19, wherein the information in the items includes analog and digital signals, and wherein the step of storing the information comprises the steps, performed by the transmission system, of:

converting the analog signals of the information to digital components;

formatting the digital signals of the information;

ordering the converted analog signals and the formatted digital signals into a sequence of addressable data blocks and;

compressing the ordered information.

C3

~~20~~ 21. (Amended) The method of claim ~~18~~ 19 wherein the step of storing the items includes the substep of

storing the items in a plurality of compressed audio and video libraries in the transmission system.

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C4

22 ~~21~~. (Amended) The method of claim 19 ~~18~~ further comprising the steps, performed by the transmission system, of:

storing a list of items available to the user from at least one compressed data library; and

providing the user with the list so that the user may remotely select a particular item for transmission.

C5 Cont

25 ~~22~~. (Twice Amended) A receiving system responsive to a user input identifying a choice of an item stored in a source material library at a transmission system to be played back to a user at a location remote from the source material library, the item containing information to be sent from the transmission system [a transmitter] to the receiving system, the receiving system comprising:

requesting means [,] for transmitting to the source material library in the transmission system the identity of the item;

transceiver means, coupled to the requesting means, for receiving the item from the [transmitter] transmission system as at least one compressed, formatted data block;

receiver format conversion means, coupled to the transceiver means, for converting the at least one compressed, formatted data block into a format suitable for storage processing, and for playback at the receiver system [in real time];

storage means, coupled to the receiver format conversion means, for storing a complete copy of the formatted data;

decompressing means, coupled to the ~~receiver format conversion~~ storage means, for decompressing the copy of the formatted data; and

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C5 Cont'd

output data conversion means, coupled to the decompressing means, for playing back the decompressed copy of the data at a time specified by the user.

Claim 23, line 1, after "the" insert --user--.

Claim 24, line 3, after "playback" insert --of the copy--.

C6

23 ~~34~~. (Amended) The distribution method as recited in claim 19 ~~18~~, wherein the step of [buffering] storing includes the step of [buffering] storing the received information at the head end of a cable television reception system.

24 ~~35~~. (Amended) The distribution method as recited in claim 19 ~~18~~, wherein the step of [buffering] storing includes the step of [buffering] storing the received information in an intermediate storage device.

C7 Cont

41. (Amended) A method of transmitting information to remote locations, the transmission method comprising the steps, performed by a transmission system, of:

storing items having information in a source material library;

retrieving the information in the items from the source material library;

assigning a unique identification code to the retrieved information;

placing the retrieved information into a predetermined format as formatted data;

placing the formatted data into a sequence of addressable data blocks;

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compressing the formatted and sequenced data blocks;

storing, as a file, the compressed, formatted, and sequenced data blocks with the assigned unique identification code; and

sending at least a portion of the file to one of the remote locations.

46. (Amended) A transmission method as recited in claim 45, further comprising the steps, performed by the transmission system, of:

generating a listing of available items;

receiving transmission requests to transmit available items; and

retrieving stored formatted data blocks corresponding to requests from users.

47. (Amended) A distribution system including a transmission system and a plurality of receiving systems at remote locations, [which is] the transmission system being responsive to requests identifying items containing information to be sent from [a] the transmission system to the receiving systems at the remote locations, the distribution system comprising:

storage means in the transmission system for storing information from the items in a compressed data form, in which the information includes an identification code and is placed into ordered data blocks;

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requesting means in the transmission system, coupled to the storage means, for [requesting transmission, by] receiving requests from a user[, of] for at least a part of the stored information to be transmitted to [a] the receiving system at one of the remote [location] locations selected by the user;

transmission means in the transmission system, coupled to the requesting means, for sending at least a portion of the stored information to the receiving system at the selected remote location;

receiving means in the receiving system [,coupled to the transmission means,] for receiving the transmitted information [at the selected remote location];

[buffering] memory means in the receiving system, coupled to the receiving means, for [buffering] storing a complete copy the received information [at the selected remote location]; and

playback means in the receiving system, coupled to the [buffer] memory means, for playing back the [buffered] stored copy of the received information [at the selected remote location] at a time requested by the user.

C8 Concld.

Claim 48, line 1, replace "method" with --system--.

49. (Amended) A distribution [method] system as recited in claim 47, wherein the [buffering] memory means [receives] includes means for receiving information at the head end of a cable television reception system.

C9 Cont.

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50. (Amended) A distribution [method] system as recited in claim [47] 49, wherein the head end of the cable television reception system includes means for decompressing the received signals [decompresses] and [distributes] distributing the decompressed received signals.

51. (Amended) A distribution [method] system as recited in claim [47] 49, wherein the head end of the cable television reception system includes means for distributing [distributes] compressed signals.

52. (Amended) A distribution [method] system as recited in claim [47] 49, wherein the head end of the cable television reception system includes means for decompressing the received signals [decompresses] and [distributes] for distributing the decompressed received signals and [distributes] compressed received signals.

Claim 53, line 1, replace "method" with system; and line 2, "buffering" with --memory--.

54. (Amended) A method of receiving information at a receiving system from a transmission system which information is responsive to an input from a user, the input identifying a choice of an item stored in a source material library to be played back to the user at a receiving system at a location remote from the source material library, the item containing information to be sent from [a transmitter] the transmission system to [a receiver] the receiving system, the receiving method comprising the steps of:

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transmitting [to the source material library] the identity of an item from the user to the source material library at the transmission system;

receiving at the receiving system the item from the [transmitter] transmission system as at least one compressed formatted data block;

converting, at the receiving system, the at least one compressed formatted data [block] into a format suitable for storage processing and for playback in real time;

storing the converted information at the receiving system;

decompressing the stored information at the receiving system; and

playing back, at the receiving system, the decompressed information at a time specified by the user.

REMARKS

In the pending Office Action dated December 10, 1991, the Examiner rejected claims 1-58 under 35 U.S.C. §103 as unpatentable over various combinations of Abraham, U.S. Patent No. 4,521,806, Ulicki, U.S. Patent No. 4,028,733, and Keith et al., U.S. Patent No. 4,785,349. The Examiner also rejected claims 12-17 under 35 U.S.C. §112 for failing to describe "multi-driven signal analysis" adequately.

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Applicants thank Examiner Chin very much for the courtesy of the interview held on December 20, 1991. This amendment reflects the suggestions made by the Examiner to place the claims in better form for allowance and to eliminate any problems under 35 U.S.C. §112, paragraph 1.

Specifically, claim 18, as well as the claims that depend from claim 18 directly or indirectly, have been amended to reflect that the distribution method recited in these claims involves both a transmission system and receiving system at a remote location, and that the received information is stored as a complete copy in the receiving system at the remote location. Claim 47 and its dependent claims were amended similarly to define a distribution system

Claim 22, as well as the claims which depend from it directly or indirectly, have been amended to state explicitly what has been sent by a transmission system to the receiving system covered by these claims, and these claims now also reflect the fact that a complete copy of the received formatted data is stored at the receiving system. Claim 54, and the claims which depend directly or indirectly from it, cover a method of receiving, and were amended similarly.

The claims clearly define over the references cited by the Examiner. For example, none of the systems in those references performs the precompression processing set forth in claim 1 (and claim 41) as the functions performed by the identification and coding means, the conversion means, the ordering means, and the

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compression means. Nor do these references teach the recited compressed data storing means which stores the compressed, sequence data box with the unique identification code assigned by the identification and coding means. Instead, Abraham and Ulicki teach a real time system in which the information is stored in its original format and is then transmitted to a receiver.

The distribution method of claim 18 and distribution system of claim 47 are also nonobvious over the references cited by the Examiner for those distinctions. In addition, these claims require a complete a copy of the transmitted information to be stored at the receiving system for playback at a time selected by the user, which distinguishes this invention from a real time system. This latter distinction also applies to the receiving system of claim 22 as well as the associated method of claim 54.

For these reasons, and because the claims have been amended to define the invention more clearly, Applicants respectfully request that the independent claims 1, 18, 22, 41, 47 and 54, as well as the claims which depend directly or indirectly from these claims, are novel and nonobvious.

The other rejection of the claims is under 35 U.S.C. §112 and concerns the recitation of multi-dimensional analysis in claims 12-17. Applicants respectfully traverse this rejection because multi-dimensional analysis is described adequately in the specification at page 21, line 14 to page 22, line 2.

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Finally, Applicants have reviewed all the claims and made amendments to ensure consistency and to correct certain minor matters discussed during the interview.

For all these reasons, Applicants respectfully request that claims 1-58 be allowed, and that this application be passed to issue as quickly as possible.

If there are any other fees due in connection with the filing of this amendment, please charge the fees to our Deposit Account No. 06-916. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

E. Robert Yoches
Registration No. 30,120

Dated: December 26, 1991

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EXHIBIT O

0001

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE:) C-05-01114-JW
ACACIA MEDIA)
TECHNOLOGIES) AUGUST 17, 2007
CORPORATION.)
) PAGES 1-226
_______________________)

THE PROCEEDINGS WERE HELD BEFORE
THE HONORABLE UNITED STATES DISTRICT
JUDGE JAMES WARE

A P P E A R A N C E S:

FOR THE PLAINTIFFS: HENNIGAN, BENNETT & DORMAN
BY: RODERICK G. DORMAN
ALAN P. BLOCK
865 SOUTH FIGUEROA STREET
SUITE 2900
LOS ANGELES, CALIFORNIA 90017

FOR THE DEFENDANTS: KEKER & VAN NEST
BY: DARALYN J. DURIE
710 SANSOME STREET
SAN FRANCISCO, CALIFORNIA
94111

(APPEARANCES CONTINUED ON THE NEXT PAGE.)

OFFICIAL COURT REPORTER: IRENE RODRIGUEZ, CSR, CRR
CERTIFICATE NUMBER 8074

IS IN 41 WE'RE TALKING ABOUT MAINTAINING AND NOT MAINTAINING AND NOT PLACING.

FIRST OF ALL, IT'S IN NO WAY REMARKABLE WHERE YOU HAVE A WORD THAT HAS TWO COMMON MEANINGS TO HAVE THE SAME WORD USED IN DIFFERENT WAYS IN A CLAIM THAT HAS HAPPENED MANY TIMES AND THAT JUST HAPPENS HERE.

THE PRACTICAL -- THERE'S -- MS. KREVANS INDICATED THAT THERE'S NO SUPPORT IN THE, IN THE, IN THE, IN THE SPECIFICATION FOR OUR CONTENTION THAT THE FIRST STORING LIMITATION REFERS TO MAINTAINING AND NOT TO PLACING, AND I DISAGREE WITH THAT. AND THERE ARE THREE SPECIFIC ONES AND LET ME GIVE THEM TO YOU.

FIRST, ON LINE 18, RATHER COLUMN 18, LINE 53, IT SAYS, "AS ILLUSTRATED IN FIGURE 7, THE FIRST STEP 6 THE DISTRIBUTION METHOD 400 INVOLVES RETRIEVING THE INFORMATION FOR SELECTED ITEMS IN THE SOURCE MATERIAL LIBRARY."

SO THEY'RE TALKING ABOUT THE FIRST STEP, IT IS THE FIRST STEP OF RETRIEVING. IN ORDER TO RETRIEVE YOU HAVE TO, YOU HAVE TO HAVE SOMETHING TO RETRIEVE FROM.

NOW, WHAT MR. BENYACAR DID IN HIS LAST PICTURE WAS HE CROSSED OUT THE WORD "THE" IN THE

RETRIEVING SECTION AND TALKED ABOUT AND, AND THAT FOR A MATTER OF, OF PATENT CLAIM DRAFTING, THAT WORD, THAT WORD WAS THE RETRIEVING THE INFORMATION IN THE ITEMS FROM THE SOURCE MATERIAL LIBRARY BOTH ITEMS AND SOURCE MATERIAL LIBRARY HAD TO HAVE ANTECEDENT SUBJECTS FOR THAT AND THAT WAS SIMPLY CREATED IN, IN THE, IN THE FIRST STORING ITEMS SO THAT THEY'RE THERE TO BE RETRIEVED. SO IT'S BASICALLY DEFINITIONAL.

SO WE'RE TALKING ABOUT DISTRIBUTION METHOD.

IF WE GO TO FIGURE 7, AND IF WE GO TO FIGURE 7 IN THE PATENT, WHICH IS BESIDE FIGURE 5, IT STARTS "RETRIEVE" AT THE VERY TOP. THE FIRST ONE IS RETRIEVING. SO THERE'S NO DISCUSSION ABOUT HOW, HOW INFORMATION GETS PLACED INTO A SOURCE MATERIAL LIBRARY.

IF WE GO TO FIGURE 2(A) THAT TALKS ABOUT, ABOUT THE TRANSMISSION SYSTEM, LOOK AT THE FAR LEFT SIDE OF THAT. THERE'S NO ARROW GOING INTO SOURCE MATERIAL LIBRARY. SOURCE MATERIAL LIBRARY IS WHERE THINGS START FROM. THIS TRANSMISSION SYSTEM SPEAKS OF, OF ONLY THINGS BEING MAINTAINED THERE THAT ARE RETRIEVED FROM IT. THERE'S NO ARROW GOING IN THERE.

AND INDEED IF WE GO TO COLUMN 5, TO THE PARAGRAPH AT THE BOTTOM OF COLUMN 5 WHERE WE'RE TALKING ABOUT THE SOURCE MATERIAL LIBRARY IT SAYS FIGURES 2(A) AND 2(B) ILLUSTRATE -- AM I IN THE WRONG PLACE?

MR. BLOCK: THE LAST PART.

MR. DORMAN: THIS IS THE BOTTOM OF 5, '992, THE TRANSMISSION SYSTEM 100 OF A PREFERRED EMBODIMENT OF THE PRESENT INVENTION PREFERABLY INCLUDES SOURCE MATERIAL LIBRARY MEANS FOR TEMPORARY STORAGE OF ITEMS PRIOR TO CONVERSION.

SO THIS IS A DESCRIPTION OF THE TRANSMISSION SYSTEM THAT IS, THAT IS -- ALL THAT IS BEING DISCLOSED ISN'T THAT, AS HOW THINGS ARE BEING STORED OR PUT IN. IT'S JUST THAT THEY'RE THERE. THEY'RE AVAILABLE. THEY'RE HOLDING THEM.

SO THOSE, THOSE ARE, I THINK, THE DIRECT REFERENCES.

AND THE COLUMN 7 REFERENCE THAT MS. KREVANS READ TO YOU HAD NOTHING TO DO WITH PUTTING INFORMATION IN THE SOURCE MATERIAL LIBRARY -- THAT HAD TO DO WITH -- REMIND ME WHAT THAT HAD TO DO WITH -- INTERTRANSFER FROM THE I.D. ENCODER.

SO I DO THINK THERE IS SPECIFIC IN THE

SUPPORT OF THE SPEC THAT, YOU KNOW, YOU'RE MAINTAINING FOR IT TO BE RETRIEVED. THERE'S NO SUPPORT FOR THE PLACING WITH RESPECT TO THAT PARTICULAR ELEMENT.

THANK YOU, YOUR HONOR.

THE COURT: ARE YOU HURT AT ALL IN YOUR ARGUMENT IF I GO BACK TO AN EARLIER REQUEST THAT YOU -- THAT I DEFINE IT AS PUTTING IT IN THERE AND, AND ONCE IT'S IN THERE, IT IS, IT IS KEPT THERE FOR, FOR PURPOSES OF THE NEXT STEP?

MR. DORMAN: I THINK, YOUR HONOR, THAT THAT'S, THAT THAT'S REQUIRING AN ADDITIONAL STEP THAT I DON'T THINK THAT, THAT THAT CLAIM REQUIRES. SO I'M HURT BY THAT POTENTIALLY FROM AN INFRINGEMENT PERSPECTIVE.

THE COURT: SO YOUR REQUEST IS THAT I NOT INCLUDE IN MY DEFINITION OF STORING ANY, ANY STEP OF GETTING IT THERE IN THE FIRST PLACE.

MR. DORMAN: I THINK -- FOR THE -- IF WE ARE GOING TO, AGAIN, MY REQUEST IS SIMPLE. MY REQUEST IS IN THE DISJUNCTIVE. EITHER YOU CAN FOR ALL TIMES APPEARS TELL THE JURY THAT IT MEANS PLACING OR MAINTAINING AND FOR THE CONTEXT FOR THEM TO DETERMINE WHICH, OR, OR IN THE FIRST STORING STEP OF, OF CLAIM 41, THAT'S MAINTAINING AND, AND

YOUR HONOR. THANK YOU.

MR. BENYACAR: NONE OF THAT SUPPORT IS SUPPORT FOR GENERATING A LIST. ALL OF THAT IS THAT THERE IS A LIST THAT EXISTS. HE DIDN'T CITE ANYTHING THAT SAID THAT YOU GENERATE THE LIST OR THE LIST IS GENERATED.

THE COURT: THANK YOU. I HAVE LEARNED THROUGH LIFE NOT TO UPSET A COURT REPORTER. THEY CAN MAKE YOU SOUND TERRIBLE.

THANK YOU ALL FOR YOUR TIME AND ATTENTION TO THIS MATTER. WE'LL GO OFF THE RECORD AT THIS POINT, AND I DO WANT TO TALK TO YOU A LITTLE BIT OFF THE RECORD ABOUT THE CASE.

(WHEREUPON, THE EVENING RECESS WAS TAKEN.)

EXHIBIT P

#15
AMD
6-8-99

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:		Received		
Paul Yurt *et al.*		JUN 07 1999	Art Unit:	2734
Appln. No.:	08/630,590	Group 2700	Examiner:	A. Le
Filed:	April 10, 1996		Atty. Docket:	03047.0006.US03
For:	Audio and Video Transmission and Receiving System			

Reply and Amendment Under 37 C.F.R. § 1.111

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action dated March 10, 1999, (PTO Prosecution File Wrapper Paper No. 15), Applicants submit the following Amendment and Remarks.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 08-3038.

Amendments

In the Claims:

Please cancel claims 33-42 and add the following new claims 43-53.

43. A transmission system responsive to input from a user positioned at an accessing location for transmitting information to a premises selected by the user, the transmission system comprising:

a plurality of libraries for storing items containing information;

identification encoding means for retrieving the information in the items from the plurality of libraries and for assigning a unique identification code to the retrieved information;

conversion means, coupled to the identification encoding means, for placing the retrieved information into a predetermined format as formatted data; and

transmitter means, coupled to the conversion means, for transmitting the formatted data to the premises selected by the user, wherein the premises selected by the user is not limited to a predetermined user premises.

44. A transmission system as recited in claim 43, wherein the plurality of libraries are geographically separated.

45. A digital audio/video communication network comprising:

a reception system in data communication with a plurality of subscriber selectable receiving stations, the reception system comprising,

means for receiving compressed, digitized data representing at least one item of audio/video information at a non-real time rate,

means for storing a complete copy of the received compressed, digitized data, and

means, responsive to the stored compressed, digitized data, for transmitting a representation of the at least one item of audio/video information at a real-time rate to at least one of the plurality of subscriber selectable receiving stations, wherein said means for receiving, said means for storing, and said means for transmitting are positioned at the same location, and wherein the at least one of the plurality of subscriber selectable stations is located at a premises geographically separated from the location of the reception system.

5 ~~46~~. A digital audio/video communication network as recited in claim 4 ~~45~~, wherein the means for transmitting comprises a converter for decompressing the compressed digitized data representing the at least one item of audio/video information.

6 ~~47~~. A digital audio/video communication network as recited in claim 4 ~~45~~, further comprising a processing station for formatting items of audio/video information as compressed, digitized data and transmitting the compressed, digitized data representing at least one item of audio/video information at the non-real time rate to the means for receiving.

7 ~~48~~. A digital audio/video communication network as recited in claim 6 ~~47~~, wherein the processing station comprises:

means for inputting items of audio/video information;

conversion means for placing each input item of audio/video information into a predetermined format as formatted data;

compression means for compressing the formatted data; and

transmitter means for sending compressed formatted data for the at least one item of audio/video information at the non-real time rate to the reception system.

8
~~49~~. A method of distributing audio/video information comprising:

transmitting compressed, digitized data representing a complete copy of at least one item of audio/video information at a non-real time rate from a central processing location to a local distribution system remote from the central processing location;

receiving, into a receiving means, the transmitted compressed, digitized data representing a complete copy of the at least one item;

storing, in a storing means, the received compressed, digitized data representing the complete copy of the at least one item at the local distribution system; and

in response to the stored compressed, digitized data, transmitting, using a transmitting means, a representation of the at least one item at a real-time rate to at least one of a plurality of subscriber selectable receiving stations coupled to the local distribution system, wherein the receiving means, the storing means, and the transmitting means are positioned at the same location, and wherein the at least one of the plurality of subscriber selectable stations is located at a premises geographically separated from the local distribution system.

9 8
~~50~~. A method as recited in claim ~~49~~, further comprising the step of decompressing the compressed, digitized data representing the complete copy of the at least one item of audio/video information before the transmitting step.

10 9
~~51~~. A method as recited in claim ~~50~~, wherein the decompressing step is performed in the local distribution system to produce the representation of the at least one item for transmission to the at least one of the plurality of subscriber selectable receiving stations.

11
~~52~~. A method of distributing audio/video information comprising:

formatting items of audio/video information as compressed digitized data at a central processing location;

transmitting compressed, digitized data representing a complete copy of at least one item of audio/video information from the central processing location;

receiving, into a receiving means, the transmitted compressed, digitized data representing a complete copy of the at least one item of audio/video information at a local distribution system;

storing, in a storing means, the received compressed, digitized data representing the complete copy of the at least one item at the local distribution system; and

using the stored compressed, digitized data to transmit using a transmitting means a representation of the at least one item to at least one of a plurality of subscriber selectable receiving stations coupled to the local distribution system, wherein the receiving means, the storing means, and the transmitting means are positioned at the same location, and wherein the at least one of the plurality of subscriber selectable stations is located at a premises geographically separated from the location of the local distribution system.

3 ~~53~~. A transmission system as recited in claim 1 ~~43~~, wherein the premises selected by the user is geographically separated from the accessing location.--

Remarks

Applicants thank the Examiner for the courteous and helpful interview conducted on May 26, 1999. Pursuant to that interview and this Amendment, reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 43-53 are pending in the application, with claims 43, 45, 49, and 52 being the independent claims. Applicants seek to cancel claims 33-42 without prejudice to or disclaimer of the subject matter therein. Applicants further seek to add new claims 43-52, which correspond respectively to cancelled claims 33-42. Applicants have also added new dependent claim 53. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following Remarks, Applicants respectfully request that the examiner reconsider all outstanding rejections and they be withdrawn.

Rejections Under 35 U.S.C. § 102

The examiner rejected claims 33 and 34 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,133,079 issued to Ballantyne et al. ("Ballantyne"). This rejection is traversed. As indicated above, claims 43-44 correspond to cancelled claims 33-34.

The Ballantyne patent discloses a system having a central or regional distribution center wherein a video may be stored and accessed by a unique identification code. When a user requests a particular video, the system appends a customer identification number (UIN) to the video. This UIN is also embedded in the customer video storage system (at the customer's location) ensuring a one-to-one match between the customer and the requested movie. *See* the Ballantyne patent, col. 6, ll. 24-34. In other words, the system automatically downloads the requested video to the customer's premises with a matching UIN. The customer cannot request that the video be sent to another premises. Rather, the video can only be sent to the pre-determined user premises containing the customer video storage system with the matching UIN.

Conversely, the claimed invention includes a transmission system that transmits information to any premises chosen by the user that has a specified receiver. *See* Appl. No. 08/630,590, page 4, ll. 4-5. In order to place an order, the user enters a customer ID code and makes a selection by entering a corresponding identification code for the desired item. Upon receiving confirmation, the user selects the desired delivery time and *destination*. *Id.* at page 30, line 15 - page 31, line 10 (*See also* page 31, line 14; page 32, line 26, page 33, line 6). That destination is not limited to a pre-determined user premises. Thus, the Ballantyne patent fails to teach a transmission system as claimed in independent claim 43, which transmits information to a *premises selected by the user* with that premises not being limited to a pre-determined user premises. Independent claim 43 and claim 44 depending therefrom should therefore be allowed.

Notably, Applicants have used the term "location" to refer to a premises, rather than merely space in a particular structure. For example, Applicants distinguished U.S. Patent No. 4,506,387, issued to Walter ("the Walter patent") based upon the fact that the system disclosed in the Walter patent requires a dedicated cable wired to the viewer's *premises* and that the viewer be at that *location* for both ordering and viewing the audio/video material. *Id.* at page 2, ll. 14-21.

The Examiner also rejected claims 35-42 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,093,718 issued to Hoarty et al. ("Hoarty"). This rejection is similarly traversed. As noted above, claims 45-52 correspond to cancelled claims 35-42.

The Hoarty patent discloses an interactive home information system for supplying digital audiovisual information to users in their homes. The system includes a regional processing center, which is connected to information providers and a plurality of headend computers. Each headend computer is connected to a separate cable TV network, which includes a plurality of nodes. Each node, in turn, is connected to about 60 homes. In each home, a Home Interface

Control (HIC) connects to a subscriber's TV set. Each node is capable of independently and simultaneously serving up to 31 of these HICs.

Information providers download the original data in digitized video and audio formats to the regional processing center. The regional processing center processes, assembles, and distributes complete system-standardized sets of information to each of the headend computers. Each headend computer acts as a store and forward device to receive this data and rebroadcast it to all of the nodes in its respective cable system. The nodes receive and store all of the data broadcast by the headend computer. The entire database is therefore locally accessible by the user.

In operation, the subscriber tunes a television to a non-interactive system channel, which displays the latest television listings. If the subscriber desires to interactively use the system, he or she must request an interactive channel by pressing a key on a remote control. When the user presses the key on the remote control, the system *automatically* selects an available channel, if any, and reserves the channel for the requesting HIC. All channels are scrambled and can only be descrambled by the HIC to which it was allocated. In other words, the system automatically allocates this channel for exclusive use by the requesting subscriber. The system automatically responds to the subscriber's request by downloading the requested information to the requesting HIC. Other subscribers within the network cannot access this particular channel, and the subscriber cannot alter the destination of the requested information.

Similar to the Ballantyne patent, the Hoarty system does not allow the user to ***select*** another premises or a subscriber ***selectable*** receiving station to which information is transmitted as claimed in independent claims 45, 49, and 52. Independent claims 45, 49, and 52 and the claims depending therefrom should therefore be allowed.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

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Date: June 7, 1999

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